

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Fayetteville Local Law No.   /   of the year 2010.

A local law to address dog control in the Village.

Be it enacted by the Board of Trustees of the Village of Fayetteville as follows:

**Chapter 65 Article II Dog Control**

**Section 65-6. Purpose.**

The purpose of this article shall be to preserve the public peace and good order in the Village of Fayetteville and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Village of Fayetteville.

**Section 65-7. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

DOG - Both male and female dogs.

DOG CONTROL OFFICER - A person or persons appointed by the Village for the purpose of enforcing this article.

FECAL MATTER - All feces, excrement, manure, dung or solid waste matter discharged by a dog.

LEASHED - Restrained by a leash attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER - Includes any person who keeps, harbors or has custody, care or control of a dog. Dogs owned by minors shall be deemed to be in custody of parents or other head of the household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this article.

RUN AT LARGE - Refers to an unleashed dog off of the premises of the owner; provided, however, that a dog on the premises of someone other than the owner, with the consent of the owner of such premises, shall not be considered to be running at large. Further, a dog or dogs hunting in company with a hunter or hunters shall not be deemed to be running at large.

### **Section 65-8. Prohibited acts.**

It shall be unlawful for any owner of a dog in the Village of Fayetteville to permit or allow such dog to:

- A. Run at large
- B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harbored of the dog.
- C. Cause damage or destruction to public or private property or otherwise commit a nuisance upon the property of someone other than the owner or harbored of the dog.
- D. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- E. Chase, leap on or otherwise harass bicycles or motor vehicles.
- F. Kill or injure any dog, cat or other household pet.
- G. Be unlicensed when six months of age or older.
- H. Not have a current and valid New York State identification tag on its collar while at large, leashed or on its owner's property.
- I. (Reserved)
- J. Deposit any dropping or fecal matter on any public property within the Village of Fayetteville or private property other than that of the dog owner. Such soiling action is declared to be a public nuisance. Such soiling action shall be deemed prevented and not a violation of this article if such persons shall immediately clean up all such fecal matter and droppings by causing same to be gathered in a suitable container and disposed of in a safe and sanitary manner.

### **Section 65-9. Female dogs.**

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Control Officer and removed to a safe place of confinement.

### **Section 65-10. Conditions for keeping dogs.**

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harbored, the dogs become the property of the Village of Fayetteville, to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

### **Section 65-11. Seizure procedure.**

Upon taking custody of any animal, the Dog Control Officer shall make a record of the matter. The record shall include the date of pickup, breed, general description, sex, identification numbers, time of pickup, location of release and name and address of the owner, if any.

#### **Section 65-12. Redemption.**

- A. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven days; if notified by mail, no less than nine days. The owner of the dog shall be responsible for any seizure and boarding fees as established by the Village of Fayetteville from time to time, plus any other expenses incurred by the municipality to humanely care for the dog, including, but not limited to, the expense of administering the bordatella vaccination and a deworming medication. All such seizure and boarding fees and expenses shall be borne by the owner of the dog upon redemption. A schedule of the redemption expenses shall be on file in the Village Clerk's office. If not redeemed, the owner shall forfeit all title to the dog, and it shall be released to an authorized humane society or kennel to be adopted or euthanized.
- B. If the owner refuses or neglects to redeem the dog, the Village shall have the authority to commence an action against the owner in a court of competent jurisdiction to recover all seizure and boarding fees and other expenses incurred by the Village to humanely care for the dog. The Village of Fayetteville authorized Dog Control Officer shall have the authority to pursue such action on behalf of the Village.

#### **Section 65-13. Filing complaints.**

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Village of Fayetteville or with the authorized Dog Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including the place(s) the violation occurred and the name and address of the dog owner, if known.

#### **Section 65-14. Enforcement; appearance tickets.**

Any person or persons who are or may be lawfully authorized by the Village of Fayetteville shall and all peace officers may administer and enforce the provisions of this article and for this purpose shall have the authority to issue summons or appearance tickets and to seize dogs either on or off the owner's premises if witnessed to be in violation of this article.

#### **Section 65-15. Penalties for offenses.**

A violation of this article shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not more than \$25 for the first violation, \$50 for the second violation and \$75 for any subsequent violation.

#### **Section 65-16 Opposition to officer prohibited.**

No person shall hinder, resist or oppose the Dog Control Officer, peace officer or other person authorized to

administer or enforce the provisions of this article in the performance of the officer's duties under this article.  
**Section 65-17. Nonliability of Village.**

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by the Dog Control Officer, peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

2. This local law is effective immediately upon filing with the Secretary of State.

**(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2010 of the Village of Fayetteville was duly passed by the Board of Trustees on April 12<sup>th</sup> 2010, in accordance with the applicable provisions of law.


I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the above paragraph.

  
Lorie Corsette, Village Clerk

Date: 4-15-10

STATE OF NEW YORK  
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Village Attorney